SINGLE BENCH

CF 1062

# IN THE HIGH COURT OF JUDICATURE AT BILASPUR

## W.P.No.(S) 4401 / 2006

**Petitioner** : N.K.Uike, S/o Shri Sonuram Uike, Aged about 42 years, R/o Village Kodapaka, Block Development Durgukondal, Distt. Kanker (C.G.)

P.R. No. 4450/06
Presented by Shri Prakash K Dhurve
dated 14/3/06

Versus

**Respondents** :

1) State of Chhattisgarh – Through the Secretary, School Education Department, DKS Bhawan, Raipur (C.G.)

2) The District Education Officer, Distt. Kanker (C.G.)

3) The Collector Kanker, Distt. Kanker (C.G.)

4) The Head Master, Government Middle School, Barbaspur, Distt. Kanker (C.G.)

## WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

मामला क्रमांक WP(S) 4401/06 सन् 200

(26)

आदेश पत्रक (पूर्वानुबद्ध)

| आदेश का दिनांक तथा आदेश क्रमांक | हस्ताक्षर सहित आदेश | कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश |
|---|---|---|

**21-8-2006**

Mr. P. Diwaker, Senior Advocate with Mr. P.R. Patankar, Advocate for the petitioner.

Mr. Sumesh Bajaj, Government Advocate for the State/ respondents, on advance copy.

Heard both the counsel, on admission.

By the instant writ petition, the petitioner has questioned the correctness of the order dated 29-7-2006 passed by respondent No.2, whereby he has been transferred under rationalization scheme, as the petitioner has been declared surplus under the rationalization scheme from the existing school.

Clause 7 of the rationalization scheme provides for provision of an appeal, if the person is aggrieved by the order. Therefore, alternative remedy is available to the petitioner and he ought to have availed the right of appeal. Therefore, the writ petition is dismissed, in limine. No order as to costs.

Time taken by the petitioner in filing the instant writ petition from the date of filing of this petition till its disposal shall be condoned by the appellate authority. Seven days of limitation for filing appeal shall start from today.

Consequently, M.(W.)P.No.3419/2006 and I.A.No.7998/2006 stand disposed of.

Parties are entitled for certified copy of this order.

Sd/-
L.C. Bhadoo
Judge

Soma

P.T.O.